

# EXHIBIT 11

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**From:** Ed Butowsky <ed@chapwoodinvestments.com>  
**Sent:** Tuesday, October 02, 2018 1:50 PM  
**To:** Erik Wemple  
**Subject:** Fwd: Erik Wemple - Will Seth Rich's family ever get a break from conspiracy theorists?

Joel and MARY Rich hired rod wheeler ... not me.  
Please try to get things accurate. Who said I was a "pro trump" partisan?

Begin forwarded message:

**From:** Stuart Blaugrund <[sblaugrund@tx.rr.com](mailto:sblaugrund@tx.rr.com)>  
**Date:** October 2, 2018 at 8:42:53 AM CDT  
**To:** "Stuart E. Blaugrund" <[sblaugrund@tx.rr.com](mailto:sblaugrund@tx.rr.com)>  
**Subject:** Erik Wemple - Will Seth Rich's family ever get a break from conspiracy theorists?

Great piece by the Washington Post's media critic, including report of Ed Butowsky going "postal" on his co-defendant.

<https://www.washingtonpost.com/amphhtml/blogs/erik-wemple/wp/2018/10/01/will-seth-richs-family-ever-get-a-break-from-conspiracy-theorists/?noredirect=on>

# Will Seth Rich's family ever get a break from conspiracy theorists?

By [Erik Wemple](#)

October 1, 2018 at 8:28 PM

| Opinion



Mary and Joel Rich of Omaha with a photo of their son, Seth Rich, who was fatally shot in Washington in July 2016. (Photo by Matt Miller for The Washington Post)

Will the Rich family *ever* get a break?

In July 2016, Seth Rich, a 27-year-old staffer with the Democratic National Committee, was fatally shot on a D.C. street, the victim of an apparent botched robbery. But conspiracy theorists seized on his place of employment, postulating that his murder was somehow related to his involvement in helping

WikiLeaks to acquire the emails it disseminated during the 2016 presidential campaign. Such an insane possibility would let the Trump campaign off the hook: If the email leaks had been an inside job, how could people blame the Trump campaign for colluding with Russia to surface the correspondence?

Fox News paid the price for dabbling in this poppycock. In May 2017, the network published a story titled, “Seth Rich, Slain DNC Staffer, Had Contact With Wikileaks, Say Multiple Sources” — which was followed pretty quickly by a retraction. A strange crew had put it together, including investigative reporter Malia Zimmerman, financial adviser and pro-Trump partisan Ed Butowsky and Rod Wheeler, a former D.C. detective enlisted by Butowsky to snoop around the Rich slaying. The retraction embarrassed Fox News, and touched off a round of lawsuits.

Somehow, the Washington Times learned nothing from this very public breakdown. In March, it published an opinion piece by James A. Lyons, a retired Navy admiral, under the headline, “More cover-up questions.” Lyons alleged that “it is well known in the intelligence circles that Seth Rich and his brother, Aaron Rich, downloaded the DNC emails and was paid by Wikileaks for that information.”

The Rich camp immediately sent a retraction request to the Times. It fetched no response. Weeks later, Michael J. Gottlieb, a lawyer at Boies Schiller Flexner LLP, sued the Washington Times, Butowsky and others for making false and defamatory statements. Six months later, it has secured a settlement with the newspaper that includes [a retraction](#) and apology:

*The Washington Times published an op-ed column titled, “More cover-up questions: The curious murder of Seth Rich poses questions that just won’t stay under the official rug,” by Adm. James Lyons (Ret.) (the “Column”), on March 1 online and on March 2 in its paper editions. The Column included statements about Aaron Rich, the brother of former Democratic National Committee staffer Seth Rich, that we now believe to be false.*

*One such statement was that: “Interestingly, it is well known in the intelligence circles that Seth Rich and his brother, Aaron Rich, downloaded the DNC emails and was paid by Wikileaks for that information.” The Washington Times now does not have any basis to believe any part of that statement to be true, and The Washington Times retracts it in its entirety.*

*The Column also stated: “Also, why hasn’t Aaron Rich been interviewed [by law enforcement], and where is he?” The Washington Times understands that law enforcement officials have interviewed Mr. Rich and that he has cooperated with their investigation. The Washington Times did not intend to imply that Mr. Rich has obstructed justice in any way, and The Washington Times retracts and disavows any such implication.*

*The Washington Times apologizes to Mr. Rich and his family. All online copies of the Column have been deleted and all online content referencing the Column has been deleted to the extent within The Washington Times’ control.*

In a chat with the Erik Wemple Blog, Gottlieb said the Washington Times story was the first occasion since the Fox News flareup that a “major news outlet” had returned to this reprehensible narrative. “I don’t have personal knowledge of whether any action was taken on the retraction request,” says Gottlieb, who calls the retraction and apology “gratifying,” if a bit late.

Pressed on the contours of the settlement — was there a financial component? — Gottlieb declined to comment. But he said the settlement talks faced challenges from elsewhere. “We did have to overcome active efforts by [others] in the case to disrupt and interfere with the settlement,” says Gottlieb, referring to Ty Clevenger, a lawyer for Butowsky who, [in a blog post last June](#), noted that he had advised the newspaper to “to stand firm at least until we get to the evidence.” In addition to Butowsky, other defendants named in the civil action are Matt Couch and his America First Media Group, an outlet that has promoted its own investigation into the killing of Seth Rich. According to the site’s [“about”](#) page, Couch “joined the fight for Donald Trump working to help get the 45th President of the United States Elected. America First Media came about when some very passionate individuals came together to do the right thing, not always the easy thing!”

As stated in Aaron Rich’s complaint, Couch cited information from Butowsky to shore up his claim that Aaron Rich profited from the leak of DNC documents to WikiLeaks. “Ed and I have had a couple of phone calls, where we had a couple of great talks, and Ed just put it out there — Aaron Rich accepted money. Aaron Rich had money from WikiLeaks go into his personal account. Think about that. Aaron Rich had WikiLeaks money go into his personal account. Ok?” noted Couch in a Periscope chat on Aug. 15, 2017.



Such efforts continued despite a December 2017 letter from Aaron Rich apprising Couch that “his accusations were ‘completely false’ and that Aaron had no involvement with planning or leaking documents to WikiLeaks, never received any money from WikiLeaks, and has been cooperating with law enforcement,” reads the complaint. A few months later, Couch, [in a video](#), expressed delight over the Washington Times piece, saying, “The Washington Times article vindicated a lot of the work that America First Media Group has been doing,” he said.

That was correct. The now-retracted piece in the Washington Times contained this sentence: “According to Ed Butowsky, an acquaintance of the family, in his discussions with Joel and Mary Rich, they confirmed that their son transmitted the DNC emails to Wikileaks.”

One heck of an allegation to include in a piece of “commentary,” as the Lyons column was. Though opinions enjoy broad protections from libel complaints under the First Amendment, there’s little opinion-y about Lyons’s statement regarding the DNC-WikiLeaks contention. It’s a straight-up assertion of fact/reporting. The Erik Wemple Blog reached someone at Lyons’s phone number who rushed us right off the phone: “No comment,” said the unidentified man.

The settlement with the Washington Times removes the newspaper from Aaron Rich’s complaint, though Butowsky, Couch and America First Media Group remain as defendants. Asked about his representations regarding Aaron Rich, Couch told the Erik Wemple Blog on a Monday call that “our intel, of course, came from Ed Butowsky — that’s where that came from, that was our source on that story,” said Couch, who is defending himself in the litigation. “We’re not a very wealthy group — we don’t have the funding to fight it,” says Couch, who says he stands by his sources. Here’s a suggested source for Couch: Robert S. Mueller III, [the special counsel whose investigation last summer generated an indictment](#) pointing the finger at — surprise! — a group of Russians. Not at DNC staffers.

One of Couch’s sources isn’t talking to him anymore, however: Butowsky himself. According to Couch, Butowsky went “postal” on Couch several months ago, after Couch outed him as the source of his “intel” on Aaron Rich. “We have kind of had a falling out, so to speak, because I told the truth,” says Couch. Clevenger, who represents Butowsky, but not for this particular case, told this blog: “I’m surprised that The Washington Times settled, but I don’t think it will

affect Mr. [Butowsky's] plans.” (Butowsky is now representing himself in the litigation.)

In an interview on Monday, Butowsky expressed confusion as to what Aaron Rich's lawsuit alleges. “I don't even understand the suit, do you?” he asked. When questioned about his own sources for his contentions on Seth and Aaron Rich, Butowsky responds, “I will just continue to repeat what his father said: ‘I know what my boys did. I know they downloaded them,’” says Butowsky. To that, Gottlieb says, “it's a lie.”

Most families that lose a loved one in the prime of his life are allowed some space to grieve. But the Riches have been forced to spend that time fighting — against random conspiracy theorists, motivated conspiracy theorists and the likes of Fox News and the Washington Times. In our free society, countermeasures are minimal. Seth Rich cannot seek legal redress for reputational damages because he is gone. Joel and Mary Rich, Seth's parents, sued Fox News for emotional distress over bogus reporting, but [saw the case tossed out](#) because it wasn't quite “extreme” or “outrageous” enough to support such a claim.

Among the Washington Times' many mistakes was taking aim at a living Rich, one who resorted to legal remedies after getting no response to a reasonable retraction request. Still, conspiracy theorists don't care whose good name they trash.

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Erik Wemple, The Washington Post's media critic, focuses on the cable-news industry. Before joining The Post, he ran a short-lived and much publicized local online news operation, and for eight years served as editor of Washington City Paper.

Sent from my iPhone